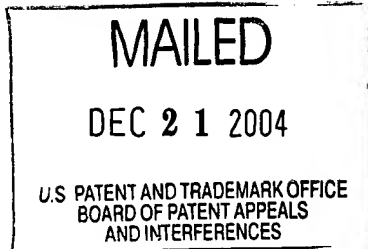


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 11

UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALVAR A. DEAN
and
SEBASTIAN T. VENTRONE

Appeal No. 2004-2375
Application No. 09/394,302

ON BRIEF

Before KIMLIN, RUGGIERO and PAWLIKOWSKI, Administrative Patent Judges.

KIMLIN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 55-70, all the claims remaining in the present application. Claim 55 is illustrative:

55. A transportable integrated circuit chip test device comprising:

a transportable test box;

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a plurality of test boards mounted in said test box; and
a portable power supply in said test box connected to said
test boards,

wherein each of said test boards comprises:

sockets adapted to hold integrated circuit chips to be
tested while being transported; and

testing circuitry electrically connected to said
sockets.

The examiner relies upon the following references as
evidence of obviousness:

Steiner	4,291,404	Sep. 22, 1981
Miller et al. (Miller)	6,452,411	Sep. 17, 2002
Roy et al. (Roy)	6,499,121	Dec. 24, 2002

Appealed claims 55-69 stand rejected under 35 U.S.C.
§ 103(a) as being unpatentable over Steiner in view of Miller.
Claim 70 stands rejected under 35 U.S.C. § 103(a) as being
unpatentable over Steiner in view of Miller further in view of
Roy.

Although appellants assert that all the appealed claims
stand or fall together, we find that the examiner has properly
concluded that appellants have not presented separate substantive
arguments for the various claims on appeal. Therefore, we agree
with the examiner that all the appealed claims stand or fall

together with claim 55. We note that appellants have not petitioned the examiner's holding.

We have thoroughly reviewed each of appellants' arguments for patentability. However, we are in complete agreement with the examiner that the claimed subject matter would have been obvious to one of ordinary skill in the art within the meaning of § 103 in view of the applied prior art. Accordingly, we will adopt the examiner's reasoning as our own in sustaining the rejections of record, and we add the following for emphasis only.

Appellants contend that:

The combination of Steiner with Roy and/or Miller is problematic because modifying Steiner to allow the testing of multiple chips in parallel destroys its ability to remain easily portable. The advantages of the structure in Steiner are its small size, light weight and low-power consumption that allow it to be easily carried by a service technician to perform in-field testing at remote locations.

(Page 4 of Brief, second paragraph). However, the "plurality of test boards" recited in claim 55 includes only two test boards, and appellants have made no convincing argument that modifying Steiner to include only two test boards would defeat its portability. We are convinced that one of ordinary skill in the art would have found it obvious to expand the capabilities of

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Steiner's testing device while at the same time maintaining its relatively small size that affords portability.

Appellants also maintain that "there still is no teaching [in Steiner] of the transportable test box, or a power supply within such a test box" (page 4 of Brief, third paragraph). Appellants submit that Steiner describes only a portable test device that includes sockets on its exterior, but that "[t]here is no concept in the prior art of record of a box that would surround and protect such a test board" (id.). However, as properly noted by the examiner, "no such claim has been made to this effect" (page 24 of Answer, first paragraph). Stated otherwise, the broadly claimed "transportable test box" does not define any structure that surrounds and protects a test board. As such, appellants' argument is not germane to the claimed subject matter. The broadest reasonable interpretation of the claimed "transportable test box" results in a structure that is not distinguishable over the device of Steiner.

Appellants further contend that:

"Steiner clearly explains that the 'portability' feature of its testing apparatus relates to the ability to transport the test apparatus to the device under test to allow a field technician to travel to a defective device and test individual chips that are removed from such a device. There is no conceptual teaching of utilizing the portable testing device in

Steiner for the purpose of testing devices while they are being transported.

(Page 5 of Brief, first paragraph, emphasis added). Again, however, appellants' argument is not commensurate in scope with the degree of protection sought by the appealed claims. The appealed claims do not define a method for testing circuit chips while the chips are in transit. Rather, the claimed transportable test device is reasonably interpreted as a test device that, in and of itself, is transportable, such as the one described by Steiner. Furthermore, as pointed out by the examiner, the functional claim language "sockets adapted to hold integrated circuit chips to be tested while being transported" does not further define the structure of the test device within the scope of the appealed claims. Moreover, appellants have not demonstrated that the testing performed by Steiner's device could not be accomplished while the reference device is being transported.

As a final point, we note that appellants base no argument upon objective evidence of nonobviousness, such as unexpected results, which would serve to rebut the inference of obviousness established by the examiner.

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In conclusion, based on the foregoing and the reasons well-stated by the examiner, the examiner's decision rejecting the appealed claims is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

Edward C. Kimlin
EDWARD C. KIMLIN
Administrative Patent Judge

Joseph F. Ruggiero
JOSEPH F. RUGGIERO
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

Beverly Pawlikowski
BEVERLY PAWLIKOWSKI
Administrative Patent Judge

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